



June 26, 2019

Letter of Appeal

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
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To Whom It May Concern:

We are writing to appeal the Funding Commitment Decision Letter dated April 27, 2019 for Funding Year 2019. Specifically, we are requesting that a RAL correction be accepted to the FCC Form 471 application 191009252. If the FCC requires a waiver of the program rules to approve this request, we have already filed a new Form 471 with the omitted service. The new Form 471 is 191042437.

Appellant

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Applicant Name: Pampa ISD
Billed Entity Number: 141856

Form 471	191009252
SPIN	143004662

Explanation of Appeal

We are writing to appeal the Funding Commitment Decision Letter dated April 27, 2019 for Funding Year 2019. Specifically, we are requesting that a RAL correction be accepted to the FCC Form 471 application 191009252. This FRN is for the funding of Wide Area Network Services (WAN) to connect the district's eight (8) campuses. This FRN was unintentionally omitted from the 2019 FCC Form 471 application and we are requesting that we be allowed to submit a RAL correction for this Ministerial and Clerical error.

The funding request is for services that are under a multi-year contract signed in 2018 and effective until 2020¹. We request this be done in accordance with the Ministerial & Clerical Errors allowance under USAC guidance found on the USAC website updated July 2018².

As you know, applicants can copy a previous year's funding request to the current year application. There is a multi-step process when copying an FRN from a previous year into a new Form 471 application. We researched this process in order to include them in this appeal as we did not use it accurately when filing out this particular Form 471.

- 1) First, you must select "Yes" to the question, "is this a continuation of an FRN from a previous funding Year."
- 2) After selecting "Yes", the previous year's FRN number must be entered, followed by clicking "Copy FRN" which will open a new page in the application.
- 3) The first step on this new page is to search the EPC system by typing in the previous year's FRN number again.
- 4) Then, the system will search for the FRN and allow you to view the previous year's FRN number, nickname, type of service, and service provider. Once the FRN is selected, it will copy the FRN number and all associated costs of service data.
- 5) Lastly, another page will open and allow you to fill in the dates of service for the current funding year and select "continue" to complete the copy process.

During this multi-step FRN copy process, an error occurred when trying to copy the FRN from the previous year and the funding request did not pull over into the FY 2019 FCC Form 471. When trying to copy the FRN, the error occurred in Step 2 (above). Rather than clicking on "Copy FRN", we selected "Continue" at the bottom of the page. We mistakenly assumed that "Continue" would add the copied FRN to the application but instead it lead to a new page to create a new FRN and did not add the intended copied request.

The inadvertent omission was discovered when the service provider contacted the applicant to confirm the WAN services for 2019-2020 on May 23, 2019. Unfortunately, this did not allow any time for a RAL correction since the application had already been funded in Wave 1 on April 27, 2019.

The Commission's rules allow for this omission to be corrected:

- Certain corrections are permissible when good cause exists.³

¹ *Exhibit A - Pampa_2018-2020_AT&T CONTRACT_8670375*

² *Exhibit B - Ministerial & Clerical Errors - SLD webpage, Source: <https://www.usac.org/sl/applicants/step01/clerical-errors.aspx>*

³ *Exhibit C - Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools*, File Nos. SLD-542873, et al., CC Docket No. 02-6, Order, FCC Adopted December 16, 2010. Para 1.

- Granting this request, “furthers the goals of section 254 of the Act because applicants’ funding will not be denied due to minor errors. We thus find that a denial of funding in all instances inflicts undue hardship on the applicants.”⁴

As stated in *DA-08-2381A1 – Archer Public Library Order*⁵, the issues presented in this case for Pampa ISD are “unintentional administrative or clerical errors” and “do not reveal more fundamental problems, such as misuse of funds or a failure to adhere to core program requirements”. As described above, the applicant attempted to copy the FRN from the previous year (FRN 1899021903) but the system did not reflect this action.

As such, granting this appeal and the allowance to add the accidentally omitted services to the application would not have caused Pampa ISD to receive more funding than they are entitled to; in fact, the funding request was a simple carryover from the prior funding year.

This appeal request is consistent with serving the public interest. Profound hardship will be inflicted on Pampa ISD due to the amount of money the district will forfeit for this ministerial and clerical error, which is \$162,920.45. The issues presented in this appeal are procedural rather than substantive, good cause exists to allow this correction, and we have demonstrated that special circumstances took place that hindered our success.

This situation with Pampa ISD is similar to the appeals granted in this FCC order⁶ and should yield a similar outcome because they are procedural rather than substantive.

Conclusion:

This FRN should be added to this application since the omission was an unintentional, administrative error and did not materially affect the competitive bidding process since it was a continuation of contracted services from the prior year. There is no intention to defraud the E-Rate program in this appeal request. It is also important to note that all E-Rate program rules were adhered to during this time. When USAC allows this appeal to be meritorious, Pampa will be able to fulfill its commitment to its students for full, robust connectivity to global resources, which would not be possible without E-Rate support.

Sincerely,

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⁴ Exhibit D - *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Archer Public Library*, File Nos. SLD-140961, et al., CC Docket No. 02-6, Order, FCC Adopted October 30, 2008. Para 8.

⁵ *Id.*

⁶ *Id.*